### UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS VICTORIA DIVISION

VICTORIA'S PLATINUM PROPERTIES, LLC	<i>\$</i>	
Plaintiff,	3 8	
V.	9 8	Civil Action No. 6:19-cv-00007
CERTAIN UNDERWRITER'S AT	§	
LLOYD'S LONDON and VEARL	§	
WOLVERTON	8	
Defendants	§ 3	

## **JOINT STATUS REPORT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, VICTORIA'S PLATINUM PROPERTIES, LLC., and Defendants, CERTAIN UNDERWRITERS SUBSCRIBING TO POLICY NUMBER BCL00092 and VEARL WOLVERTON (hereinafter collectively referred to as "the Parties"), in the above entitled and numbered cause, and pursuant to the Court's Oral Order of May 19, 2022, file this Joint Status Report and would respectfully show unto this Honorable Court as follows:

#### I. BACKGROUND

1. This lawsuit arises out of a dispute over an insurance claim made by Plaintiff, Victoria's Platinum Properties, LLC, ("Plaintiff") for damages allegedly caused by Hurricane Harvey. More specifically, Certain Underwriters at Lloyd's, London Subscribing to Policy No. BCL00092 ("Underwriters") issued a Commercial Property Policy to Victoria Platinum Properties LLC; Platinum Home Investments LLC; and Kimberlite Homes, LLC.

Policy No. BCL00092 provided Lessors Risk coverage pursuant to certain terms and conditions for sixty-one (61) premises from October 21, 2016 to October 21, 2017 ("the Policy"). After Harvey, Plaintiff made claims on fifty-one (51) of the sixty-one (61) premises insured under the Policy.

- 2. On December 13, 2018, Plaintiff filed suit in Texas state court against Underwriters and independent adjuster, Vearl Wolverton. Plaintiff alleged causes of action for breach of contract, unfair settlement practices in violation of section 541 and failure to promptly pay claims in violation of section 542 of the Texas Insurance Code, violations of the Texas Deceptive Trade Practices Act, and breach of the duty of good faith and fair dealing against Underwriters. Underwriters then removed the lawsuit to federal court on the basis of diversity and amount in controversy.
- 3. The Parties exchanged written discovery and mediated the case on January 27, 2020. Although the mediation was unsuccessful, the Parties thereafter agreed to enter into the appraisal process for approximately 40 of the premises at issue.
- 4. This matter was abated by the Court on July 8, 2021, to allow the Parties time to complete the appraisal process. The appraisal process was completed on or about February 23, 2022.

## II. STATUS REPORT

5. The Parties mediated this matter on June 17, 2022 with mediator Donald R. Philbin. Mediation successfully resolved all issues between the Parties. The Parties are in the process of finalizing the settlement, and anticipate being able to file dismissal papers with the Court within the next 30 days.

## II. <u>PRAYER</u>

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Defendants pray that this Court accept the Joint Status Report, retain this matter on the docket, and other and further relief, both at law and in equity, to which they are justly entitled.

Respectfully submitted,

#### HOLLAND & ZIMMERMAN, PLLC

By:/s/ Wes Holland (with permission)

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ATTORNEY FOR PLAINTIFF VICTORIA'S PLATINUM PROPERTIES, LLC.

#### **DONATO BROWN POOL & MOEHLMANN**

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ATTORNEY FOR DEFENDANTS
CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON SUBSCRIBING TO POLICY NO.
BCL00092 AND VEARL WOLVERTON

# **CERTIFICATE OF SERVICE**

	hereby certify that, on the 14 <sup>th</sup> day and foregoing has been served by:	of July 2022, a true and correct copy of the
ha	certified mail, return receipt requenand delivery; ☐United States fransmission; ☑electronic transmission	first class mail;
W H 11 B Te F	Attorneys for Plaintiff Ves Holland Holland & Zimmerman, PLLC 16 W. Blanco Rd., Suite 201 Boerne, Texas 78006 Fel. (830) 443-4503 Fax. (830) 455-4907 Ves@hollandzimmerman.com	
	<u>/s/</u>	Robbie A. Moehlmann
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